

REMARKS

Reconsideration is requested for claims 1-8 and 10-22. Favorable action is requested for new claim 26.

Claims 2, 3, 9, and 12-15 were indicated to be allowable if rewritten in independent form. Claims 4 and 16-22 were indicated to be allowable if rewritten in independent form and amended to overcome rejections under 35 U.S.C. 112, second paragraph. Claim 9 has been incorporated into claim 1, and claims 2, 4 and 12 have been rewritten in independent form. As discussed below, claim 4 is submitted to comply with the requirements of 35 U.S.C. 112, second paragraph, and claims 16 and 17 have been amended to address the grounds for rejection under 35 U.S.C. 112, second paragraph. Accordingly, it is submitted that claims 1-4, 6-8, and 10-22 are in condition for allowance. Allowance is cordially urged.

The drawings were objected to on the grounds that the drawings fail to show the locking struts 33 and second struts 37 as two separate members, even though it is acknowledged that FIGS. 1A and 1B *do* show this structure, on the grounds that FIGS. 2, 3, and 5 allegedly show the locking struts and second struts as one single strut. FIGS. 2 and 3 identify the locking struts and the second struts by different reference numbers and FIG. 5 does not identify the second struts by reference numbers at all because other structures substantially obscure the second struts. In the views of the structure in FIGS. 2, 3, and 5, the locking struts and the second struts may *appear* to be a single strut, however, this is merely because of the perspective of the particular views (e.g., the ends of the locking and second struts are not visible in FIGS. 2 and 5 and FIG. 3 shows the structure on a scale that does not easily permit illustration of the ends of struts), when those figures are considered in view of the textual description and FIGS. 1A and 1B, it is clear

that they are not a single strut. It is respectfully submitted that the locking and second struts are adequately illustrated and withdrawal of the requirement is cordially urged.

The drawings were also objected to as failing to include reference numbers 35c and 35d. FIG. 3 has been amended to add reference numbers 35c and 35d (as well as reference numbers 35a and 35b, already shown in, e.g., FIGS. 1A and 1B).

Claim 4 was rejected under 35 U.S.C. 112, second paragraph, on the grounds that "claim 1 does not contain enough structure for one having skill in the art to practice the invention with a cover as the tension member." It is respectfully submitted that this is not a proper basis for a rejection of the claim under 35 U.S.C. 112, *second* paragraph. If the *disclosure* (as contrasted to the *claim*) failed to contain enough structure for one having skill in the art to practice the invention with a tension member including a cover, it would be appropriate to reject a claim to that subject matter under 35 U.S.C. 112, first paragraph. However, in the present case, the disclosure of a tension member including a cover is clearly sufficient for one skilled in the art to practice the invention. Claim 4 recites that "the tension member includes a cover attached to the collapsible structure." Thus, the tension member, for purposes of claim 4, can include structure *in addition to* the cover, such as any struts, hubs, etc., that might be necessary for the tension member including the cover to limit pivotable movement of the at least two struts . . .¹ It is not necessary for the claim to recite every structural component of the tension member to satisfy 35 U.S.C. 112, second paragraph. Withdrawal of the rejection is cordially urged.

Claims 16 and 17 were rejected under 35 U.S.C. 112, second paragraph. Claims 16 and

¹ By way of analogy, a claim to an engine comprising a piston having some novel structure does not have to recite every other structural component of the engine to satisfy 35 U.S.C. 112, second paragraph.

17 (and 18) have been amended substantially as suggested in the Official Action to address the grounds for rejection and withdrawal of the rejection is cordially urged.

Claims 1, 5, 10, and 11 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,401,735 to *Chou*. Claims 6-8 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Chou*. As noted above, claim 1 has been amended to incorporate the subject matter of allowable claim 9. Claims 6-8, 10, and 11 depend from claim 1 and are submitted to be allowable for at least the same reasons as that claim.

Claim 5 has been rewritten in independent form and further amended to recite that the tension member includes a surface upon which the collapsible structure is erected. It is respectfully submitted that the structure including the pivot section 22 (the stem 20, etc.) cannot reasonably be described as a tension member including a surface upon which the collapsible structure is erected. The collapsible structure in *Chou* is not erected on a surface that forms at least part of a tension member. In view of the differences between claim 5 and *Chou*, it is respectfully submitted that claim 5 is not anticipated by *Chou*. Withdrawal of the rejection of claim 5 is cordially urged.

It is respectfully submitted that all of the pending claims, claims 1-8, 10-22, and 26, are in condition for allowance. Allowance is cordially urged.

To the extent that the applicant does not respond to a particular comment in the Official Action, the applicant does not intend by this to indicate acquiescence in or agreement with the comment. To the extent that any extensions of time are necessary in connection with this application it is requested that there be a standing petition for extension of time and that any

additional fees that are required, or refunds due, in connection with this or any other paper filed in connection with this application be charged to Deposit Account 503015.

If the Examiner is of the opinion that a telephone conference would be helpful in resolving any outstanding issues, the Examiner is urged to contact the undersigned.

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Respectfully submitted,
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